

1 AN ACT relating to school councils.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 160.345 is amended to read as follows:

4 (1) For the purpose of this section:

5 (a) ~~["Minority" means American Indian; Alaskan native; African American;~~  
6 ~~Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or~~  
7 ~~South American origin; Pacific islander; or other ethnic group~~  
8 ~~underrepresented in the school;~~

9 ~~(b) "School" means an elementary or secondary educational institution that is~~  
10 ~~under the administrative control of a principal and is not a program or part of~~  
11 ~~another school. The term "school" does not include district-operated schools~~  
12 ~~that are:~~

- 13 1. Exclusively vocational-technical, special education, or preschool  
14 programs;
- 15 2. Instructional programs operated in institutions or schools outside of the  
16 district; or
- 17 3. Alternative schools designed to provide services to at-risk populations  
18 with unique needs;

19 ~~(b)(c)}~~ "Teacher" means any person for whom certification is required as a  
20 basis of employment in the public schools of the state, with the exception of  
21 principals and assistant principals; and

22 ~~(c)(d)}~~ "Parent" means:

- 23 1. A parent, stepparent, or foster parent of a student; or
- 24 2. A person who has legal custody of a student pursuant to a court order  
25 and with whom the student resides.

26 (2) Each local board of education shall adopt a policy for implementing school-based  
27 decision making in the district which shall include but not be limited to a

1 description of how the district's policies, including those developed pursuant to  
2 KRS 160.340, have been amended to allow the professional staff members of a  
3 school to be involved in the decision-making process as they work to meet  
4 educational goals established in KRS 158.645 and 158.6451. The policy may  
5 include a requirement that each school council make an annual report at a public  
6 meeting of the board describing the school's progress in meeting the educational  
7 goals set forth in KRS 158.6451 and district goals established by the board. The  
8 policy shall also address and comply with the following:

- 9 (a) ~~[Except as provided in paragraph (b)2. of this subsection,]~~ Each participating  
10 school shall form a school council composed of **three (3)**~~[two (2)]~~ parents,  
11 three (3) teachers, and the principal or administrator **who shall serve as chair**  
12 **of the council**. The **parent and teacher** membership of the council may be  
13 increased, but it may only be increased proportionately. A parent  
14 representative on the council shall not be an employee or a relative of an  
15 employee of the school in which that parent serves, nor shall the parent  
16 representative be an employee or a relative of an employee in the district  
17 administrative offices. A parent representative shall not be a local board  
18 member or a board member's spouse. **Notwithstanding KRS 45A.335(1),**  
19 **members shall be considered an officer of an agency for the purposes of**  
20 **KRS Chapter 45A and** none of the members shall have a conflict of interest  
21 pursuant to KRS Chapter 45A, except the salary paid to district employees;
- 22 (b) 1. The teacher representatives shall be elected for one (1) year terms by a  
23 majority of the teachers. A teacher elected to a school council shall not  
24 be involuntarily transferred during his or her term of office.
- 25 **2.** The parent representatives shall be elected for one (1) year terms. The  
26 parent members shall be elected by the parents of students preregistered  
27 to attend the school during the term of office in an election conducted by

1 an election committee established by the parent and teacher  
2 organization of the school or, if none exists, the largest organization of  
3 parents formed for this purpose. The election shall comply with the  
4 following:

5 a. The election committee shall conduct the election and serve as  
6 election workers. A member of the election committee shall not  
7 be a candidate in the election, a member of the local board of  
8 education of the school, or a spouse, parent, brother, sister,  
9 child, mother-in-law, father-in-law, son-in-law, daughter-in-law,  
10 brother-in-law, or sister-in-law of a candidate in the election;

11 b. At least four (4) weeks prior to the day of the election, the school  
12 shall notify parents of the filing deadline and provide  
13 instructions on how to file as a candidate;

14 c. The deadline for a parent to file with the election committee as a  
15 candidate for the election shall be two (2) weeks prior to the day  
16 of the election;

17 d. At least one (1) week prior to the day of the election, the election  
18 committee shall inform the principal or designee of the election  
19 dates, names of candidates who have filed, voting hours, voting  
20 location, and how to vote and the school shall provide notice to  
21 parents with those details;

22 e. The parent member election shall occur during one (1) school  
23 day and voting hours shall begin at least one (1) hour before  
24 school's regular instructional hours that day and shall end at  
25 least one (1) hour after;

26 f. The parent member election shall require in-person voting and  
27 voters shall present proof of identification as defined under KRS

1                   117.001 or, if the voter cannot procure proof of identification,  
2                   then the alternatives provided under KRS 117.228(2). No person  
3                   shall vote by proxy;

4                   g. Parents shall vote by paper ballots which voters shall deposit into  
5                   a locked ballot box. The ballot box shall remain locked for the  
6                   duration of the election and shall be kept in the possession of the  
7                   election committee;

8                   h. Upon the conclusion of the parent member election, the election  
9                   committee shall count the ballots in the presence of the school  
10                  principal or the principal's designee. Candidates may be present  
11                  during the ballot counting;

12                  i. Within one (1) week after counting the ballots, the school shall  
13                  provide parents with notice of the election winners and the total  
14                  votes counted for each candidate; and

15                  j. Notice to parents required under subdivision i. of this  
16                  subparagraph shall require notification being sent using at least  
17                  three (3) of the following methods:

18                   i.. Email;

19                   ii. Text message;

20                   iii. Telephone message;

21                   iv. Posting notice on the school's social media;

22                   v. Posting notice on the school's website;

23                   vi. Posting notice on the school's entryways; or

24                   vii. Mail.

25                  3. A parent vacancy on the council shall be filled by appointment by the  
26                  rest of the council for the remainder of the unexpired term. The  
27                  council shall adopt policies governing the appointment process.

1           ~~4. [Council elections may allow voting to occur over multiple days and via~~  
2           ~~electronic means.]~~A school council, once elected, may adopt a policy  
3           setting different terms of office for parent and teacher members  
4           subsequently elected.~~[ The principal shall be the chair of the school~~  
5           ~~council.~~

6           ~~2. School councils in schools having eight percent (8%) or more minority~~  
7           ~~students enrolled, as determined by the enrollment on the preceding~~  
8           ~~October 1, shall have at least one (1) minority member. If the council~~  
9           ~~formed under paragraph (a) of this subsection does not have a minority~~  
10          ~~member, the principal, in a timely manner, shall be responsible for~~  
11          ~~carrying out the following:~~

12          ~~a. Organizing a special election to elect an additional member. The~~  
13                  ~~principal shall call for nominations and shall notify the parents of~~  
14                  ~~the students of the date, time, and location of the election to elect a~~  
15                  ~~minority parent to the council by ballot; and~~

16          ~~b. Allowing the teachers in the building to select one (1) minority~~  
17                  ~~teacher to serve as a teacher member on the council. If there are no~~  
18                  ~~minority teachers who are members of the faculty, an additional~~  
19                  ~~teacher member shall be elected by a majority of all teachers.~~  
20                  ~~Term limitations shall not apply for a minority teacher member~~  
21                  ~~who is the only minority on faculty;]~~

22          (c) 1. The school council shall have the responsibility to set school policy that  
23                  shall be consistent with district board policy and which shall provide an  
24                  environment to enhance the students' achievement and help the school  
25                  meet the goals established by KRS 158.645 and 158.6451 and goals for  
26                  the district established by the board. The principal shall be the primary  
27                  administrator and the instructional leader of the school, and with the

1 assistance of the total school staff shall administer the policies  
2 established by the school council and the local board.

3 2. If a school council establishes committees, it shall adopt a policy to  
4 facilitate the participation of interested persons, including, but not  
5 limited to, classified employees and parents. The policy shall include the  
6 number of committees, their jurisdiction, composition, and the process  
7 for membership selection;

8 (d) The school council and each of its committees shall determine the frequency  
9 of and agenda for their meetings. Matters relating to formation of school  
10 councils that are not provided for by this section shall be addressed by local  
11 board policy;

12 (e) The meetings of the school council shall be open to the public and all  
13 interested persons may attend. However, the exceptions to open meetings  
14 provided in KRS 61.810 shall apply;

15 (f) After receiving notification of the funds available for the school from the local  
16 board, the school council shall determine, within the parameters of the total  
17 available funds, the number of persons to be employed in each job  
18 classification at the school. The council may make personnel decisions on  
19 vacancies occurring after the school council is formed but shall not have the  
20 authority to recommend transfers or dismissals;

21 (g) The local superintendent shall determine which curriculum, textbooks,  
22 instructional materials, and student support services shall be provided *or*  
23 *piloted* in the school after consulting with the local board of education, the  
24 school principal, and the school council and after a reasonable review and  
25 response period for stakeholders in accordance with local board of education  
26 policy. Subject to available resources, the local board shall allocate an  
27 appropriation to each school that is adequate to meet the school's needs

1 related to instructional materials and school-based student support services, as  
2 determined by the school principal after consultation with the school council.  
3 The school council shall consult with the school media librarian on the  
4 maintenance of the school library media center, including the purchase of  
5 instructional materials, information technology, and equipment;

6 (h) Personnel decisions at the school level shall be as follows:

7 1. From a list of qualified applicants submitted by the local superintendent,  
8 the principal at the participating school shall select personnel to fill  
9 vacancies, after consultation with the school council, consistent with  
10 paragraph (i)11. of this subsection. The superintendent shall provide  
11 additional applicants to the principal upon request when qualified  
12 applicants are available. The superintendent may forward to the school  
13 principal the names of qualified applicants who have pending  
14 certification from the Education Professional Standards Board based on  
15 recent completion of preparation requirements, out-of-state preparation,  
16 or alternative routes to certification pursuant to KRS 161.028 and  
17 161.048. Requests for transfer shall conform to any employer-employee  
18 bargained contract which is in effect;

19 2. If the vacancy to be filled is the position of principal:

20 a. The superintendent shall fill the vacancy after consultation with  
21 the school council consistent with paragraph (i)11. of this  
22 subsection;

23 b. Prior to consultation with the school council, each member shall  
24 sign a nondisclosure agreement forbidding the disclosure of  
25 information shared and discussions held during consultation;

26 c. A person who believes a violation of the nondisclosure agreement  
27 referred to in subdivision b. of this subparagraph has occurred may

1 file a written complaint with the Kentucky Board of Education;  
2 and

3 d. A school council member found to have violated the nondisclosure  
4 agreement referred to in subdivision b. of this subparagraph may  
5 be subject to removal from the school council by the Kentucky  
6 Board of Education under subsection (9)(e) of this section;

7 3. Notwithstanding subparagraph 2. of this paragraph, if the vacancy to be  
8 filled is the position of principal in a county school district in a county  
9 with a consolidated local government adopted under KRS Chapter 67C,  
10 then:

11 a. The outgoing principal shall not serve on the council during the  
12 principal selection process. The superintendent or the  
13 superintendent's designee shall serve as the chair of the council for  
14 the purpose of the hiring process and shall have voting rights  
15 during the selection process;

16 b. The council shall have access to the applications of all persons  
17 certified for the position. The principal shall be elected on a  
18 majority vote of the membership of the council. The school  
19 council shall receive training in recruitment and interviewing  
20 techniques prior to carrying out the process of selecting a  
21 principal. The council shall select the trainer to deliver the  
22 training; and

23 c. Notwithstanding the requirement that a principal be elected by a  
24 majority vote of the council, the selection of a principal shall be  
25 subject to approval by the superintendent. If the superintendent  
26 does not approve the principal selected by the council, then the  
27 superintendent may select the principal;



- 1           4. No principal who has been previously removed from a position in the  
2           district for cause may be considered for appointment as principal in that  
3           district;
- 4           5. Personnel decisions made at the school level under the authority of  
5           subparagraph 1. of this paragraph shall be binding on the superintendent  
6           who completes the hiring process;
- 7           6. Applicants subsequently employed shall provide evidence that they are  
8           certified prior to assuming the duties of a position in accordance with  
9           KRS 161.020; and
- 10          7. Notwithstanding other provisions of this paragraph, if the applicant is  
11          the spouse of the superintendent and the applicant meets the service  
12          requirements of KRS 160.380(3)(a), the applicant shall only be  
13          employed upon the recommendation of the principal and the approval of  
14          a majority vote of the school council;
- 15          (i) The school council shall adopt a policy that shall be consistent with local  
16          board policy and shall be implemented by the principal in the following  
17          additional areas:
  - 18               1. Curriculum responsibilities under KRS 158.6453(19);
  - 19               2. Assignment of all instructional and noninstructional staff time;
  - 20               3. Assignment of students to classes and programs within the school;
  - 21               4. Determination of the schedule of the school day and week, subject to the  
22               beginning and ending times of the school day and school calendar year  
23               as established by the local board;
  - 24               5. Determination of use of school space during the school day related to  
25               improving classroom teaching and learning;
  - 26               6. Planning and resolution of issues regarding instructional practices;
  - 27               7. Selection and implementation of discipline and classroom management

- 1 techniques as a part of a comprehensive school safety plan, including  
2 responsibilities of the student, parent, teacher, counselor, and principal;
- 3 8. Selection of extracurricular programs and determination of policies  
4 relating to student participation based on academic qualifications and  
5 attendance requirements, program evaluation, and supervision;
- 6 9. Adoption of an emergency plan as required in KRS 158.162;
- 7 10. Procedures, consistent with local school board policy, for determining  
8 alignment with state standards, technology utilization, and program  
9 appraisal; and
- 10 11. Procedures to assist the council with consultation in the selection of the  
11 principal by the superintendent, and the selection of personnel by the  
12 principal, including but not limited to meetings, timelines, interviews,  
13 review of written applications, and review of references. Procedures  
14 shall address situations in which members of the council are not  
15 available for consultation; and
- 16 (j) Each school council shall annually review data as shown on state and local  
17 student assessments required under KRS 158.6453. The data shall include but  
18 not be limited to information on performance levels of all students tested, and  
19 information on the performance of students disaggregated by race, gender,  
20 disability, and participation in the federal free and reduced price lunch  
21 program. After completing the review of data, each school council, with the  
22 involvement of parents, faculty, and staff, shall develop and adopt a plan to  
23 ensure that each student makes progress toward meeting the goals set forth in  
24 KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan  
25 to the superintendent and local board of education for review as described in  
26 KRS 160.340. The Kentucky Department of Education shall provide each  
27 school council the data needed to complete the review required by this

1 paragraph no later than October 1 of each year. If a school does not have a  
2 council, the review shall be completed by the principal with the involvement  
3 of parents, faculty, and staff.

4 (3) The policies adopted by the local board to implement school-based decision making  
5 shall also address the following:

6 (a) School budget and administration, including: discretionary funds; activity and  
7 other school funds; funds for maintenance, supplies, and equipment; and  
8 procedures for authorizing reimbursement for training and other expenses;

9 (b) Assessment of individual student progress, including testing and reporting of  
10 student progress to students, parents, the school district, the community, and  
11 the state;

12 (c) School improvement plans, including the form and function of strategic  
13 planning and its relationship to district planning, as well as the school safety  
14 plan and requests for funding from the Center for School Safety under KRS  
15 158.446;

16 (d) Professional development plans developed pursuant to KRS 156.095;

17 (e) Parent, citizen, and community participation including the relationship of the  
18 council with other groups;

19 (f) Cooperation and collaboration within the district, with other districts, and with  
20 other public and private agencies;

21 (g) Requirements for waiver of district policies;

22 (h) Requirements for record keeping by the school council; and

23 (i) A process for appealing a decision made by a school council.

24 (4) In addition to the authority granted to the school council in this section, the local  
25 board may grant to the school council any other authority permitted by law. The  
26 board shall make available liability insurance coverage for the protection of all  
27 members of the school council from liability arising in the course of pursuing their

1 duties as members of the council.

2 (5) All schools shall implement school-based decision making in accordance with this  
3 section and with the policy adopted by the local board pursuant to this section.  
4 Upon favorable vote of a majority of the faculty at the school and a majority of at  
5 least twenty-five (25) voting parents of students enrolled in the school, a school  
6 meeting its goal as determined by the Department of Education pursuant to KRS  
7 158.6455 may apply to the Kentucky Board of Education for exemption from the  
8 requirement to implement school-based decision making, and the state board shall  
9 grant the exemption. The voting by the parents on the matter of exemption from  
10 implementing school-based decision making shall be in an election conducted by  
11 the parent and teacher organization of the school or, if none exists, the largest  
12 organization of parents formed for this purpose. Notwithstanding the provisions of  
13 this section, a local school district shall not be required to implement school-based  
14 decision making if the local school district contains only one (1) school.

15 (6) The Department of Education shall provide professional development activities to  
16 assist schools in implementing school-based decision making. School council  
17 members elected for the first time shall complete a minimum of six (6) clock hours  
18 of training in the process of school-based decision making, no later than thirty (30)  
19 days after the beginning of the service year for which they are elected to serve.  
20 School council members who have served on a school council at least one (1) year  
21 shall complete a minimum of three (3) clock hours of training in the process of  
22 school-based decision making no later than one hundred twenty (120) days after the  
23 beginning of the service year for which they are elected to serve. Experienced  
24 members may participate in the training for new members to fulfill their training  
25 requirement. School council training required under this subsection shall be  
26 conducted by trainers endorsed by the Department of Education. By November 1 of  
27 each year, the principal through the local superintendent shall forward to the

1 Department of Education the names and addresses of each council member and  
2 verify that the required training has been completed. School council members  
3 elected to fill a vacancy shall complete the applicable training within thirty (30)  
4 days of their election.

5 (7) A school that chooses to have school-based decision making but would like to be  
6 exempt from the administrative structure set forth by this section may develop a  
7 model for implementing school-based decision making, including but not limited to  
8 a description of the membership, organization, duties, and responsibilities of a  
9 school council. The school shall submit the model through the local board of  
10 education to the commissioner of education and the Kentucky Board of Education,  
11 which shall have final authority for approval. The application for approval of the  
12 model shall show evidence that it has been developed by representatives of the  
13 parents, students, certified personnel, and the administrators of the school and that  
14 two-thirds (2/3) of the faculty have agreed to the model.

15 (8) The Kentucky Board of Education, upon recommendation of the commissioner of  
16 education, shall adopt by administrative regulation a formula by which school  
17 district funds shall be allocated to each school council. Included in the school  
18 council formula shall be an allocation for professional development that is at least  
19 sixty-five percent (65%) of the district's per pupil state allocation for professional  
20 development for each student in average daily attendance in the school. The school  
21 council shall plan professional development in compliance with requirements  
22 specified in KRS 156.095, except as provided in KRS 158.649. School councils of  
23 small schools shall be encouraged to work with other school councils to maximize  
24 professional development opportunities.

25 (9) (a) No board member, superintendent of schools, district employee, or member of  
26 a school council shall intentionally engage in a pattern of practice which is  
27 detrimental to the successful implementation of or circumvents the intent of

- 1 school-based decision making to allow the professional staff members of a  
2 school and parents to be involved in the decision making process in working  
3 toward meeting the educational goals established in KRS 158.645 and  
4 158.6451 or to make decisions in areas of policy assigned to a school council  
5 pursuant to paragraph (i) of subsection (2) of this section.
- 6 (b) An affected party who believes a violation of this subsection has occurred  
7 may file a written complaint with the Office of Education Accountability. The  
8 office shall investigate the complaint and resolve the conflict, if possible, or  
9 forward the matter to the Kentucky Board of Education.
- 10 (c) The Kentucky Board of Education shall conduct a hearing in accordance with  
11 KRS Chapter 13B for complaints referred by the Office of Education  
12 Accountability.
- 13 (d) If the state board determines a violation has occurred, the party shall be  
14 subject to reprimand. A second violation of this subsection may be grounds  
15 for removing a superintendent or a member of a school council from office or  
16 grounds for dismissal of an employee for misconduct in office or willful  
17 neglect of duty.
- 18 (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the  
19 state board determines a violation of the nondisclosure agreement required by  
20 subsection (2)(h)2.b. of this section by a school council member has occurred,  
21 the state board shall remove the member from the school council, and the  
22 member shall be permanently prohibited from serving on any school council  
23 in the district.
- 24 (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or  
25 maintain a school-based decision making council and the powers, duties, and  
26 authority granted to a school council may be rescinded or the school council's role  
27 may be advisory if the commissioner of education or the Kentucky Board of

1 Education takes action under KRS 160.346.

2 (11) Each school council of a school containing grades K-5 or any combination thereof,  
3 or if there is no school council, the principal, shall develop and implement a  
4 wellness policy that includes moderate to vigorous physical activity each day and  
5 encourages healthy choices among students. The policy may permit physical  
6 activity to be considered part of the instructional day, not to exceed thirty (30)  
7 minutes per day, or one hundred and fifty (150) minutes per week. Each school  
8 council, or if there is no school council, the principal, shall adopt an assessment tool  
9 to determine each child's level of physical activity on an annual basis. The council  
10 or principal may utilize an existing assessment program. The Kentucky Department  
11 of Education shall make available a list of available resources to carry out the  
12 provisions of this subsection. The department shall report to the Legislative  
13 Research Commission no later than November 1 of each year on how the schools  
14 are providing physical activity under this subsection and on the types of physical  
15 activity being provided. The policy developed by the school council or principal  
16 shall comply with provisions required by federal law, state law, or local board  
17 policy.